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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,142	10/10/2001	Frederick J. Kiko	EXCEL.001A	8886
27299	7590	05/05/2005	EXAMINER	
GAZDZINSKI & ASSOCIATES 11440 WEST BERNARDO COURT, SUITE 375 SAN DIEGO, CA 92127			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER

2644

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,142

Applicant(s)

KIKO

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 32-45 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 28-31, 46-57 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 32-45 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-27, 32-45 and 58*** are rejected under 35 U.S.C. 102(e) as being anticipated by Bissell et al. (United States Patent 6,658,108), hereinafter referenced as Bissell.

Regarding **claim 1**, Bissell discloses a system and method for distributing power over a premises network. In addition, Bissell discloses an apparatus for providing power to at least one subscriber via a telecommunication line, comprising a power converter operatively coupled to said telecommunications line and adapted to generate a voltage on said line; a gateway module having modulator/demodulator apparatus operatively coupled to said telecommunications line, said module being adapted to extract power from said voltage on said telecommunications line; and at least one adapter unit operatively coupled to said telecommunications line and further configured to extract power from said voltage and provide said power to an extension device, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 2**, Bissell discloses everything claimed as applied above (see claim 1), in addition, Bissell discloses wherein said gateway module further comprises a controller operatively coupled to said power converter, said controller cooperating with said power converter to regulate the power provided via said telecommunications line, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 3**, Bissell discloses everything claimed as applied above (see claim 2), in addition Bissell discloses wherein said controller communicates with said power converter via said telecommunications line to regulate at least the voltage applied to said line by said power converter, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 4**, Bissell discloses everything claimed as applied above (see claim 1), in addition, Bissell discloses wherein said gateway module further comprises a power line interface in data communication with said modulator/demodulator, said power line interface adapted to transmit data over at least one power line local to said gateway module, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 5**, Bissell discloses everything claimed as applied above (see claim 1), in addition Bissell discloses wherein said gateway module further comprises a wireless interface in data communication with said modulator/demodulator and adapted to at least receive radio frequency signals from a remote device, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 6**, Bissell discloses everything claimed as applied above (see claim 1), in addition Bissell discloses wherein said at least one adapter unit is self-installable by said at least one subscriber, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 7**, Bissell discloses everything claimed as applied above (see claim 6), in addition Bissell discloses wherein said gateway module is self-installable by said at least one subscriber, as disclosed at column 3, line 21 through column 6, line 7 and exhibited in figures 1 and 2.

Regarding **claim 8**, Bissell discloses everything claimed as applied above (see claim 1), in addition, Bissell discloses wherein said power converter further comprises a ground fault detector circuit adapted to detect faults on said telecommunications line.

Regarding **claims 9-11, 13-15, 19, 21-27, 32-45 and 58** are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2644

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 12 and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bissell in view of applicant's admitted prior art.

Regarding **claim 12**, Bissell discloses everything claimed, as applied above, (see claim 11), however, Bissell fails to disclose wherein said interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein said interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bissell by specifically providing wherein said interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification, for the purpose of providing standardized installation.

Regarding **claim 12**, Bissell discloses everything claimed, as applied above, (see claim 11), however, Bissell fails to disclose wherein said interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein said interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bissell by specifically providing wherein said

interface module is compliant with the Homeplug Powerline Alliance 1.0 Specification, for the purpose of providing standardized installation.

Regarding **claim 16**, Bissell discloses everything claimed, as applied above, (see claim 15), however, Bissell fails to disclose wherein said wireless interface is compliant with the Bluetooth 2.4 GHz wireless standard. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein said wireless interface is compliant with the Bluetooth 2.4 GHz wireless standard.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bissell by specifically providing wherein said wireless interface is compliant with the Bluetooth 2.4 GHz wireless standard, for the purpose of allowing wireless interface.

Regarding **claim 17**, Bissell discloses everything claimed, as applied above, (see claim 15), however, Bissell fails to disclose wherein said wireless interface is compliant with the IEEE Std. 802.11. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein said wireless interface is compliant with the IEEE Std. 802.11.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bissell by specifically providing wherein said wireless interface is compliant with the IEEE Std. 802.11, for the purpose of allowing wireless interface.

Regarding **claim 18**, Bissell discloses everything claimed, as applied above, (see claim 15), however, Bissell fails to disclose wherein the wireless interface utilizes direct

sequence spread spectrum having a pseudo noise spreading code. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein the wireless interface utilizes direct sequence spread spectrum having a pseudo noise spreading code.

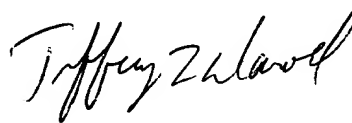
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bissell by specifically providing wherein the wireless interface utilizes direct sequence spread spectrum having a pseudo noise spreading code, for the purpose of allowing wireless interface and security.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold
Examiner
Art Unit 2644



JFH
April 29, 2005